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U.S. DISTRICT COURT E.D.N.Y.

★ JUL 27 2011 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE ZYPREXA PRODUCTS LIABILITY
LITIGATION

04-MD-1596

BROOKLYN OFFICE

THIS DOCUMENT RELATES TO:

ALL ACTIONS

ORDER

JACK B. WEINSTEIN, Senior United States District Judge:

1. The court's docket sheet shows that sixty-five cases in this multi-district litigation are still open. Reports of individual cases and motions pending, as well as communications from the parties, indicate that the number of open cases is far less than this.

2. On February 15, 2011, the court issued two case management orders addressing the timeline for completing discovery and making any dispositive motions for all cases listed in the orders (the "Case Management Orders"). Case Management Order No. 37 concerned cases brought by represented parties. It stated that fact discovery was to be completed by May 2, 2011, Eli Lilly and Company's ("Lilly's") expert reports were to be served no later than June 1, 2011, deposition of all experts was to be completed by July 2, 2011, and all *Daubert* and dispositive motions are to be filed no later than August 1, 2011. Case Management Order No. 38 concerned cases brought *pro se*. It stated that discovery was to be completed within 60 days of plaintiff's submission of a Plaintiff's Fact Sheet, which was itself due within 30 days of plaintiff's receipt of notification of the Order.

3. Of the cases listed in the Case Management Orders (or transferred into this court contemporaneously with the issuance of those orders), the following cases have a pending

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motion to dismiss, motion for summary judgment or motion for extension of time to complete discovery:

Thomas Bryan Steed v. Eli Lilly and Company	:	No. 10-cv-2083
Roddy v. Eli Lilly and Company	:	No. 11-cv-0694
Teresa Chapman in Pamela Brotherton v. Eli Lilly and Company	:	No. 05-cv-4692
Joseph Scott Dagliano v. Eli Lilly and Company	:	No. 07-cv-2199
Fred Harris v. Eli Lilly and Company	:	No. 06-cv-3481
Arthur McElroy v. Eli Lilly and Company	:	No. 06-cv-5763

4. The following cases listed in the Case Management Orders do not currently have any motions pending before this court:

Larry Darden v. Eli Lilly and Company	:	No. 10-cv-3646
Molly Gurovitsch v. Eli Lilly and Company	:	No. 08-cv-1408
William Makupson v. Eli Lilly and Company	:	No. 05-cv-0413
Lorenzo McKenzie v. Eli Lilly and Company	:	No. 10-cv-2804
George Meyers v. Eli Lilly and Company	:	No. 08-cv-5247
Michael Murphy v. Eli Lilly and Company	:	No. 10-cv-5932
Miriam Pascal v. Eli Lilly and Company	:	No. 08-cv-1955
Richard Rogart v. Eli Lilly and Company	:	No. 06-cv-2600
Allen D. Stallard v. Eli Lilly and Company	:	No. 10-cv-2803
Kathy Bergman v. Eli Lilly and Company	:	No. 04-cv-4074
Mirtha Gandara v. Eli Lilly and Company	:	No. 09-cv-4944
Frederick Greaves v. Eli Lilly and Company	:	No. 09-cv-4970
Barry McClamrock v. Eli Lilly and Company	:	No. 04-cv-2317
Heather Mendez v. Eli Lilly and Company	:	No. 10-cv-5931
Fawnda Murphy v. Eli Lilly and Company	:	No. 10-cv-5932
Linda Rutledge v. Eli Lilly and Company	:	No. 10-cv-3705
Donna L. Shahin v. Eli Lilly and Company	:	No. 08-cv-0576
Harvey Short v. Eli Lilly and Company	:	No. 11-cv-0074
Arthur R. Swaney, II v. Eli Lilly and Company	:	No. 11-cv-0075
David Alan Terry, Sr. v. Eli Lilly and Company	:	No. 06-cv-1469

5. The following cases were not listed in either of the Case Management Orders:

Robert J. Martin v. Eli Lilly and Company	:	No. 04-cv-2317
Stephanie Salazar v. Eli Lilly and Company	:	No. 05-cv-2792
Franklin Dee Allen, Jr. v. Eli Lilly and Company	:	No. 05-cv-3149
Gertie J. Markham v. Eli Lilly and Company	:	No. 05-cv-4038
Mary Norwood v. Eli Lilly and Company	:	No. 05-cv-4695
Kenneth R. Wrinkle v. Eli Lilly and Company	:	No. 06-cv-1958

Darrin Gove in Yolanda Chavez v. Eli Lilly and Company	:	No. 06-cv-2592
Billie James Thompson, Sr. et al. v. Eli Lilly and Company	:	No. 06-cv-2601
Tynesha Belcher et al. v. Eli Lilly and Company	:	No. 06-cv-2782
Billy Geaslin v. Eli Lilly and Company	:	No. 06-cv-3484
Barbara Quick v. Eli Lilly and Company	:	No. 06-cv-3485
Don Otto v. Eli Lilly and Company	:	No. 06-cv-3486
Donald Honse v. Eli Lilly and Company	:	No. 06-cv-3487
Gary Polansky v. Eli Lilly and Company	:	No. 06-cv-3489
Beverly Baker v. Eli Lilly and Company	:	No. 06-cv-3490
Kimberly Johnson v. Eli Lilly and Company	:	No. 06-cv-4216
Susan Leverett v. Eli Lilly and Company	:	No. 06-cv-4627
Alyce Damon et al. v. Eli Lilly and Company	:	No. 06-cv-4639
Alkim Billups v. Eli Lilly and Company	:	No. 07-cv-0114
Beverly Walls v. Eli Lilly and Company	:	No. 07-cv-2116
Glenn Teague et al. v. Eli Lilly and Company	:	No. 07-cv-3377
Suzanne Wallace v. Eli Lilly and Company	:	No. 07-cv-3916
Steven Rogers v. Eli Lilly and Company	:	No. 07-cv-4232
Charles Sexton et al. v. Eli Lilly and Company	:	No. 07-cv-4507
Beverly Baker et al. v. Eli Lilly and Company	:	No. 07-cv-5436
Mark Alton et al. v. Eli Lilly and Company	:	No. 07-cv-5437
Donald Shans v. Eli Lilly and Company	:	No. 08-cv-4679
Betty Lou Hughes v. Eli Lilly and Company	:	No. 08-cv-4680
Alice Collins v. Eli Lilly and Company	:	No. 09-cv-0433
Charles Butler v. Eli Lilly and Company	:	No. 09-cv-0840
Scott J. Beck in Jon K. Bartlett v. Eli Lilly and Company	:	No. 09-cv-1005
John W. Frey v. Eli Lilly and Company	:	No. 09-cv-1006
James Richard Cunningham v. Eli Lilly and Company	:	No. 09-cv-1012
Bruce Jimenez v. Eli Lilly and Company	:	No. 10-cv-5794
Raghib Waheed v. Eli Lilly and Company	:	No. 11-cv-0693
Tyrone Davis v. Eli Lilly and Company	:	No. 11-cv-1672
Jean Alix v. Eli Lilly and Company	:	No. 11-cv-1456

6. Except for cases listed in ¶ 3, the court will assume that all cases listed above should be marked closed for all purposes. They will be so marked as closed on August 22, 2011 unless, for any individual case listed in ¶¶ 4 and 5, the attorney for the plaintiff or defendant, or the plaintiff in *pro se* cases, by written communication with the court, asks that the case be

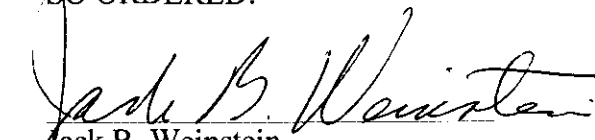
retained on the open docket sheet of the court. Those cases not marked as closed pursuant to this order or currently scheduled for a hearing on a pending motion are set down for a conference on Friday, September 16, 2011 at 10 A.M. Parties may participate by telephone; arrangements to do so may be made by calling June Lowe, Courtroom Deputy, at (718) 613-2525. Should there be a substantial number of cases scheduled to be heard on September 16, 2011, Ms. Lowe will set a specific time for each case to be heard.

7. In addition, the following cases have been dismissed against Lilly, but remain open against other defendants:

Corrine Scott v. Eli Lilly and Company	:	No. 06-cv-5116
Kimberly J. Johnson et al. v. Fermo et al.	:	No. 07-cv-2459

As to these cases, the court will entertain motions to dismiss for failure to prosecute or for other reasons, to recommend transfer by the Multidistrict Panel, or for other relief. Failure to notify the court will result in dismissal for failure to prosecute.

SO ORDERED.


Jack B. Weinstein
Senior United States District Judge

Date: July 26, 2011
Brooklyn, New York